

1 Exhibit, Exhibit 2.

2 A Okay. See, they had been in operation for 3 weeks.

3 Q Okay. Now, Mrs. Smith, I'd like to refer your, your --

4 direct your attention, if I may, to --

5 A Okay.

6 Q -- page 16 of your testimony.

7 A Okay.

8 Q You have that in front of you, ma'am?

9 A Yes.

10 Q Okay. It notes your name at the bottom, does it not?

11 A It notes Mr. and Mrs. Paul Smith.

12 Q No, I'm talking about when it says, "Please support

13 your rights by mailing this letter to," and that's your name,

14 is that correct?

15 A Right, um-hum.

16 Q Okay --

17 A Only my neighbor spelled it wrong.

18 Q Did you, did you have any, any part in preparing this?

19 A She had already written it up and brought it to me and

20 said --

21 Q Excuse me --

22 A -- "What do you think?"

23 Q Mrs. Smith, when you say "she," you have to tell us

24 who --

25 A My neighbor, Mrs. Hillis.

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1 Q Okay.

2 A We had sort of conferred and said "what do you think we
3 ought to do about this?"

4 Q Okay. Excuse me, ma'am, tell -- when was this pre-
5 pared? Let's start -- when was this prepared, if, if you
6 know?

7 A Well, the date on mine says February the 21st, so we
8 must have prepared them about the end of December, first of
9 January. I don't remember, somewhere in there. We just
10 decided that we needed to do something, we didn't know what.
11 "Let's make up a petition," but she had sat down and had
12 already made up all the wording, had already had the thing
13 typed before she ever brought it over and showed it to me, and
14 therefore my name is spelled wrong on it even, but she'd
15 already made them up, and I said, "Okay, fine. Let's just go
16 with it."

17 Q Okay, so, did you -- so you didn't have anything to do
18 with actually preparing this? You --

19 A We had discussed what maybe ought to be in it but, no,
20 I didn't sit down and write it.

21 Q Okay.

22 A Mrs. Hillis wrote it.

23 Q How did you get, how did you get nominated to be the
24 person that was going to mail all the letters to the --

25 A Well, because they have a business and I don't, and she

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1 | didn't want them getting a lot of phone calls and a lot of
2 | mail interfering with their business. And so I said, "That's
3 | okay. Put my address and my phone number."

4 | Q Okay, I notice there's an -- a notation or a mention
5 | there concerning "do you have a booster". Do you recall why
6 | that was included?

7 | A Well, because every time someone called Kansas City and
8 | asked -- or, or stated a complaint or whatever, it seems like
9 | they would ask us, "Do you have a booster?" Or -- I don't
10 | know if, if Don or Nila had asked us, or -- but it seems like
11 | Karen Raines would ask when you'd call Kansas City with a
12 | complaint, "Do you have a booster?" And that seemed important
13 | to put on. I don't remember other than that where we --

14 | Q Okay.

15 | A -- where we came up with that.

16 | Q Prior to the time this, this was prepared, and --

17 | A I do remember where we got the booster business. Can I
18 | back up a minute?

19 | A Certainly.

20 | Q This was not the first petition that went out. The
21 | first petition was a joint petition that was just signed by
22 | the immediate neighbors. There were only maybe 30, 35 names
23 | on it. There was a report that the radio station had to make
24 | concerning those first 30 names or whatever, and I remember
25 | when we got a copy of that report, they had a big to-do in

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1 there about boosters, and claimed, "This one has a booster,
2 and this one has a booster, and this one has a booster." And
3 that's when we decided, "Well, gee, this booster thing must
4 have something to do with it. Let's include that on our
5 petition." So this was not the first petition that went out.
6 There was another one that circulated among the immediate
7 neighbors.

8 Q Okay, so there was also petition -- a petition prior to
9 this --

10 A Right.

11 Q -- to this one.

12 A Right.

13 Q Okay. Let's go back to that one, if we may.

14 A Okay.

15 Q That's not in the record so we'll have to rely on your
16 memory.

17 MR. DUNNE: You have it? Where? Excuse me,
18 Your Honor.

19 (Pause.)

20 MR. DUNNE: Excuse me, Your Honor.

21 (Pause.)

22 MR. DUNNE: Oh, thank you, Mr. Shook.

23 BY MR DUNNE:

24 Q May I direct your attention to page 14 of your exhibit?
25 That's just 2 pages before.

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1 A Okay.

2 Q Now --

3 A That's not even the first petition.

4 Q Oh, that's not the first petition --

5 A No.

6 Q -- either?

7 A No.

8 Q So that's basically the same thing you refer to in --

9 A Well, it's --

10 Q -- a slightly different version of what we just looked

11 like, is that correct?

12 A Right. The first one --

13 Q Let's, let's go back to --

14 A -- was just a list of names.

15 Q -- your testimony.

16 A Mrs. Smith, please, it would be helpful if you would

17 wait until I ask the question, okay?

18 A Okay, I'm sorry.

19 Q Then we could have me talk, and then you talk, and then

20 if there's anything that, that you, you know, you feel that

21 needs clearing up, Mr. Shook will ask you the question --

22 A All right.

23 Q -- or His Honor will ask you the question, okay? You

24 know, we have to talk for the young lady over here so she can

25 get the words straight. Let's go back to the very first

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1 petition, the one that we don't see in the record that you've
2 just testified to that you prepared.

3 A Um-hum.

4 Q Can you describe how that petition came about and who
5 prepared it?

6 A It wasn't a big, long-worded speech like this. Mainly,
7 three of us went around to the different neighbors and said,
8 "Are you having problems with your television?" And if they
9 said yes, we asked them to sign it.

10 Q Okay, and who was "the three of us"?

11 A Myself, and Mrs. Hillis, and Randy Soens.

12 Q Okay, and that, that was basically something to the
13 effect "We're having problems with our TV reception --"

14 A Yes, and, and signatures --

15 Q "--- sign here and put your ---"

16 A Right.

17 Q "--- address" kind of thing, right?

18 A And it was all on one sheet or two sheets, too.

19 Q Okay.

20 A It wasn't individual things.

21 Q Okay, and that got sent to the FCC?

22 A Yes, it did.

23 Q And to your knowledge was that the first petition
24 complaint that was submitted to the FCC?

25 A Uh-huh.

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1 Q And you had a part in preparing that with Mrs. Hillis
2 and --

3 A I just had a part with going around and getting the
4 neighbors' signatures.

5 Q And to whom -- when you say "the neighbors," define
6 "neighbors," if you would.

7 A Right up and down the road, and the trailer park,
8 and --

9 Q Okay, the trailer park.

10 A Um-hum.

11 Q What is "the trailer park"?

12 A The Hillises own a mobile home park.

13 Q Okay, and where is that in, in reference to your home?

14 A I live on one side of the road; Mrs. Hillis lives on
15 the other side of the road, or did; to their left and up the
16 hill a ways is their mobile home park and also a campground
17 that they own.

18 Q Okay. Mrs. Smith, you no longer live --

19 A That's right.

20 Q -- within the blanketing contour, okay. For the
21 record, I think we need to make that clear.

22 JUDGE STIRMER: Permit the counsel to complete his
23 question before you undertake to answer it.

24 WITNESS: I'm sorry.

25 BY MR DUNNE:

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1 Q Okay, so the first complaint was -- petition complaint
2 was prepared and sent to the FCC. There was a response. Then
3 we go to a, a -- Mass Media, or your -- page 14 of your --
4 okay, that is slightly different than the one we testified to
5 just a few minutes before, is that correct?

6 JUDGE STIRMER: You want the witness to compare a 14 --
7 page 14 with page 16?

8 BY MR DUNNE:

9 Q Let's, let's, let's just look at page 14 for the time
10 being, Mrs. Smith.

11 A Okay.

12 Q Did you have any -- part in preparing that?

13 A No.

14 Q Who did?

15 A Mrs. Hillis.

16 Q So she essentially wrote it up?

17 A Right.

18 Q Okay, and she came -- is -- came over to you and showed
19 it to you --

20 A Um-hum.

21 Q -- and asked you for your input, if any?

22 A Well, she already had it typed up, but I said, "Fine,
23 let's just go with it."

24 Q Okay, and I notice your name is misspelled in this one,
25 too.

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1 A Right.

2 Q Okay.

3 A Well, the, the second one, you see, we just sort of
4 decided what we needed --

5 Q Okay, Mrs. --

6 A -- to change and laid it over --

7 JUDGE STIRMER: Don't volunteer the information.

8 MR. DUNNE: Mrs. Smith, please wait for my question.

9 Just --

10 JUDGE STIRMER: Don't volunteer information.

11 MR. DUNNE: The questioning will go along quicker if
12 you wait, okay?

13 BY MR DUNNE:

14 Q Okay, when, when, when you had this -- prepared this
15 petition with Mrs., Mrs. Hillis' help, what did you do then,
16 if anything, with the petitions you prepared, page 14 of your
17 testimony?

18 A Well, first of all, we left stacks of them at several
19 area grocery stores where people would go in and see them, and
20 could pick them up --

21 Q Um-hum.

22 A -- and could mail back in.

23 Q Okay, anything else?

24 A Well, later on we went door to door with them and taped
25 them to doors.

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1 Q Okay, door to door where?

2 A The whole county.

3 Q You went to the whole county?

4 A We went to our immediate neighborhood first, but as --

5 Q Now, with this -- page 14, this, this petition.

6 A Yeah.

7 Q Okay, go ahead.

8 A I don't know when we switched to this second one here,

9 it was later --

10 Q Okay, well, let's just confine ourselves to page 14 for

11 the time being. So you -- go ahead. You said you took the --

12 you put them in stores and you took them door to door?

13 A Um-hum.

14 Q Throughout the entire county?

15 A Um-hum.

16 COURT REPORTER: You have to use the -- you have to say

17 "yes" or "no" --

18 JUDGE STIRMER: You have to audibilize your answer.

19 WITNESS: Yes.

20 COURT REPORTER: Thank you.

21 BY MR DUNNE:

22 Q Okay, when you say "the entire county" we're talking

23 about Butler County, is that correct?

24 A Yes.

25 Q How big is Butler County, Mrs. Smith?

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1 A Big enough it took us 2 to 3 months to do it.

2 Q Okay, and you essentially went door to door to most of
3 the people in Butler County?

4 A The southern part of the county was not very populated,
5 the very southern part of it. We did not go to that because
6 we looked at the map and it wasn't very populated.

7 Q Okay, and --

8 A May I say one other thing? We did not go to people who
9 we knew were on cable, because at this point we did not think
10 cable was affected. So the areas of the county that we knew
11 were on cable, we didn't go to their houses.

12 Q Okay. Now, a certain number of these, these complaints
13 were sent, including your own, were sent directly to the FCC
14 when they were completed, is that correct?

15 A We made copies of them. We kept the originals and we
16 sent the copies.

17 Q Okay. Now, would it be fair to say, Mrs. Smith, the
18 way, the way these, these complaints, essentially, got gath-
19 ered was that they were sent to you?

20 A Yes, they were mailed to me.

21 Q You kept the originals?

22 A Yes.

23 Q Do you have a -- and you have the originals still in
24 your possession, I presume.

25 A Mrs. Hillis does.

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1 Q And then you sent copies of the, of the complaints to
2 the FCC.

3 A Yes.

4 Q And you -- I presume you sent -- well, did you send the
5 copies of these complaints in batches, or one at a time, or
6 whenever you received them, or --

7 A Batches of 100, 200, 300.

8 Q However many you, you received.

9 A Right.

10 Q Did KOKS -- during this time when you were sending --
11 getting petitions and sending them in, did KOKS actually begin
12 to go out and do anything in response to the petitions? To
13 your knowledge.

14 A Not to my knowledge.

15 Q Okay. So you don't know, for example, if KOKS might
16 have gone to, to somebody's home and tried to deal with the
17 complaint that they sent in to the FCC?

18 A I can't remember what month they started going out. I
19 don't remember exactly what month it was that they began to
20 try to put filters.

21 Q Okay. But there did come a month when they did try to
22 go ahead and put filters on.

23 A Um-hum.

24 Q And did -- how did you --

25 JUDGE STIRMER: Yes? The answer is --

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1 WITNESS: Yes. I'm sorry.

2 MR. DUNNE: I'm sorry.

3 BY MR DUNNE:

4 Q And how did you learn of this?

5 A Generally, it would be a neighbor, and they would call
6 and tell me.

7 Q Okay, did you ever, did you ever call people who'd
8 complained to check up to see if they'd, KOKS, had been there?

9 A If we got a report back. There were times when we got
10 copies of KOKS' reports, and it would list this case, this
11 case, this case, and this case, and we would call the person
12 and say, "This is what the report says. Is that true?" Then
13 we would call and check.

14 Q Okay, but you didn't do that as a general --

15 A No.

16 Q Do you know of your own personal knowledge, Mrs. Smith,
17 how many of these actually got sent to the FCC?

18 A Around 1,200.

19 Q Around 1,200?

20 A Um-hum.

21 COURT REPORTER: Yes?

22 WITNESS: Yes. I'm sorry.

23 BY MR DUNNE:

24 Q Now, during this time, Mrs. Smith, did you have
25 occasion to call the FCC yourself? Strike that. If you refer

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1 to, refer to the -- page 14 here, there's certain representa-
2 tions made on this page about kinds of interference, et cet-
3 era. Had the -- have you ever talked to the FCC in view of
4 what KOKS' obligation was to you to cure your, your interfer-
5 ence?

6 A Between Mrs. Hillis and myself, we made lots of calls
7 to the FCC.

8 Q You're talking about Kansas City, now.

9 A Yes.

10 Q Okay. Let -- and we're talking about a specific time
11 period, Mrs. Smith. I know you may have made some calls over
12 a long time but --

13 A Right.

14 Q Okay, we're talking right now, say, between October of
15 1988 and, say, January 30th, 1989, the first 2 or 3 months
16 after the station went on the air. During that time, did --
17 in your conversations with the FCC, did -- was any -- were any
18 representations made to you about what the station was obli-
19 gated do -- to do to cure interference?

20 A To tell you the truth, I don't remember. I don't know
21 if they told me they were supposed to come around and put a
22 filter or what, just that they were supposed to solve the
23 problem I think was most often how it was put. They were
24 supposed to solve our problem.

25 Q And did you speak primarily with one person at the FCC,

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1 or did you speak --

2 A Primarily with Karen Raines, I believe.

3 Q Okay. So, during this time period "the FCC" means
4 Karen Raines.

5 A Right.

6 Q Do you recall if the FCC -- strike that. Do you know
7 if the FCC made any inspections of KOKS with respect to the
8 blanketing interference complaints during the early part of
9 1989?

10 A Mr. Poole, Mr. Clark Poole, came. I think it was,
11 like, April of '89.

12 Q Okay, and did he visit you, Mrs. Smith?

13 A Yes, he did.

14 Q And did, did he tell you that he was there as, as part
15 and parcel of a investigation of the KOKS interference
16 complaints?

17 A Yes.

18 Q What did he do in your home, if anything?

19 A He looked at the TV; he looked at my stereo, listened
20 to it; looked at maybe more than one TV, probably two or
21 three. That was basically it. Talked to me at length.

22 Q Okay, when he was in your home, Mrs. Smith, did he
23 identify any equipment that you might have had that was mal-
24 functioning or not functioning well?

25 A No.

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1 Q Did he make any representations to you concerning what
2 KOKS' obligations to you were?

3 A Yes, he said they were supposed to put a filter on
4 everything in my home that was affected, including the stereo
5 and the radio.

6 Q Okay. Now, did he tell you what television signals you
7 were supposed to receive?

8 A You mean, what stations?

9 Q Um-hum.

10 A I already knew what stations I was supposed to receive.

11 Q Mrs. Smith, please answer the question --

12 A Did he tell --

13 Q -- I asked. Did he tell you?

14 A I think later in the evening he showed us a book with
15 maps in it to show us the different grade contours and showed
16 us that we were in the outer contour for Channel 6. He did
17 show us a map book.

18 Q Okay, he showed you a map book that --

19 A Right.

20 Q When you say "contour," that, that represented the --
21 as far as you know, that represented what? What did that
22 contour represent?

23 A Well, the, the closest circles were, were the people
24 who were the closest to the signal and the outer circle were
25 the ones who further away.

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1 Q Okay, and you were on the outer circle --
2 A Right.
3 Q -- beyond the outer circle --
4 A Right.
5 Q -- for Channel 6, is that correct?
6 A Right.
7 Q Did Mr. Poole tell you that that had any impact on what
8 KOKS was supposed to do for you with respect to Channel 6?
9 A I don't know how to phrase it, whether --
10 Q Well --
11 A He just said that it would be a weaker signal because
12 we were outside of the, of the second -- of the "B" contour.
13 Q Okay. Mrs., Mrs. Smith, I'm going to refer you to
14 something.
15 MR. DUNNE: May I approach the witness? I wanted to
16 show her --
17 MR. SHOOK: I think she's already got a copy of it.
18 MR. DUNNE: Okay.
19 BY MR DUNNE:
20 Q Mrs. Smith, I'd like to refer you, if I could, to KOKS
21 Exhibit 5, page 3.
22 A This one?
23 Q Okay, I'd like to refer you to the fourth full para-
24 graph.
25 MR. SHOOK: I may have the wrong page.

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1 WITNESS: Well --

2 UNIDENTIFIED SPEAKER: I think he means this page.

3 (Pause.)

4 WITNESS: I've read it. What do you need to know?

5 BY MR DUNNE:

6 Q Okay, does that refresh your recollection about what
7 Mr. Poole may have said to you concerning KOKS' obligations
8 concerning Channel 6?

9 A Mr. Poole told me he had spoken to Charley Lampe, and
10 had told him that after he, Mr. Poole, left --

11 MR. SHOOK: Your Honor --

12 MR. DUNNE: Your Honor --

13 MR. SHOOK: -- I may have referred her to the wrong
14 paragraph. It's my fault.

15 JUDGE STIRMER: All right, okay.

16 MR. DUNNE: Well, if I may, can I show her exactly what
17 I'm referring to?

18 WITNESS: Well, it's talking about Mr. Lampe and --
19 this one right here?

20 MR. DUNNE: No, we're talking about this one right
21 here.

22 WITNESS: Okay. He showed me this paragraph.

23 MR. DUNNE: Okay. We're talking about that right
24 there, Mrs. Smith.

25 MR. SHOOK: For clarification, next time why don't you

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1 spell out? Instead of numbering a paragraph, let her know a
2 sentence or give her some indication of where she's supposed
3 to go.

4 MR. DUNNE: Okay.

5 (Pause.)

6 WITNESS: What is your question now concerning this?

7 BY MR DUNNE:

8 Q Okay, the question is, Mrs. Smith, does that refresh
9 your recollection about what Mr. Poole told you about KOKS'
10 obligations to cure interference of Channel 6?

11 A I don't remember a whole lot about what Mr. Poole said.
12 I remember him showing us the map book and showing us that we
13 were, like, this much outside the second contour.

14 Q Okay, so you don't have a, a real recollection right
15 now about what he said?

16 A Even -- well, even that did not happen at my house.
17 Mr. Poole did not say any of that at my house. Later in the
18 evening, he was over at Mrs. Hillis' house, and I happened to
19 be over there, too, and we stayed there until after midnight
20 to watch KOKS go off the air and Channel 6 come on.

21 Q Okay, but Mrs., Mrs. Smith, you were present when, you,
22 you were present Mr. Poole talked to you about the contours,
23 and whether you were outside the contours or inside the con-
24 tours, right?

25 A Yes. That's right. Right

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1 Q You were there with Mrs. Hillis when this conversation
2 took place.

3 A Right.

4 Q And the question was does that refresh your recol-
5 lection, and you said, "I don't really remember if he said
6 exactly that." Is that correct?

7 A Well, we didn't discuss all this microvolts and all
8 this business. I just remember looking at the map, and him
9 trying to explain that we were outside the Grade B contour.

10 Q Okay. Now, did there come a time when anyone else
11 from -- strike that. Was this the first time that anyone had
12 told you that you were outside the Grade B contour for
13 Channel 6 and therefore it wasn't a guaranteed signal for you?

14 A No. I told you, the first petition that was signed
15 with the 30-something names --

16 Q Um-hum.

17 A -- the station turned in a report about those par-
18 ticular cases, and a copy of that report was sent back to us,
19 and in that was a map showing the contours that evidently
20 Karen Raines had put in, or someone, and talked about
21 Channel 6 being outside the contour.

22 Q Okay, so this information merely confirmed what --
23 something else you had already seen or heard, is that correct?

24 A Right.

25 Q Had anyone else from the -- prior to Mr. Poole's

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1 discussion with you and Mrs. Hillis, had anyone else from the
2 FCC ever told you that? To the best of your recollection.

3 A Karen Raines may have, but I can't swear to it. I
4 don't remember. I just remember seeing it in that first
5 report.

6 Q We have -- perhaps jumping ahead in, in chronology,
7 Mrs. Smith, but I hope you'll bear with me.

8 MR. DUNNE: I'm going to show the witness what has been
9 marked, identified, and admitted as KOKS Exhibit No. 11.

10 BY MR DUNNE:

11 Q We're going to be talking about that, Mrs. Smith.
12 Okay, my first question is do you recognize that?

13 A Yes, but I'd have to read the whole thing to remember
14 when we sent it out.

15 (Pause.)

16 A What do you need to know?

17 Q Okay, did you review that Mrs. Smith?

18 A (No audible response.)

19 Q Okay, did you take part in the preparation of that at
20 all?

21 A Yes, I did.

22 Q And what was your role -- can you describe for us what
23 you did in the preparation of that?

24 A I guess we reviewed all the information that we had
25 concerning the situation. We were trying to let the people

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1 know exactly --

2 Q Okay -- no, no. Mrs., Mrs. Smith --

3 A Yes.

4 Q -- what did, what did you do to prepare that? Did you
5 write it? Did you type it? I mean, describe what you did,
6 please.

7 A Mrs. Hillis and I sat down and wrote it out several
8 different times, rearranged it, rearranged it, rearranged it.
9 When we had it just like we wanted it, she typed it.

10 Q And once again you got stuck with getting all the mail.

11 A Yes.

12 Q Okay. I'd like to direct your attention at this point,
13 if I may, to the last line of the first full paragraph, which
14 begins -- right there, the one that's underlined.

15 A Okay, what about it?

16 Q And what does that line read, Mrs. --

17 A The FCC states Channel 6 is not an authorized station
18 for this area.

19 Q Okay, now when you and Mrs. Hillis -- may I take that
20 back now? When you and Mrs. Hillis prepared that statement --
21 when was the statement prepared? When was this particular
22 thing prepared, if you recall?

23 A I would have to read it more thoroughly but I, I read
24 something in there where we referred to things that had
25 happened in May and -- that must have been in about June of --

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1 Q June of?

2 A I don't know whether it was '89 or '90. It must have
3 been '89. I don't know.

4 Q Okay, but to the best of your recollection it was
5 June '89?

6 A I think.

7 Q Okay, it probably wasn't 1990, was it?

8 A Can I read it more thoroughly?

9 Q Certainly.

10 A If I have to give you an exact date, I've got to look
11 at it better because I don't think I kept one of these for
12 myself.

13 (Pause.)

14 A I believe this was June of '89.

15 Q That should --

16 A I know it was summertime. It, it could have been June
17 of '90, but it was, it was the summer and it was because we
18 were taking the petitions just to the blanketing area only.

19 Q Okay, that's -- you were anticipating my question,
20 Mrs. Smith. Why did you prepare this?

21 A This was after the station, I believe, had gone around
22 and put filters, and we prepared this for just the people
23 living inside the blanketing area to see if the filters had
24 indeed solved their problem, and we told them that Channel 6
25 was exempt, but we were asking about had it solved their other

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1 problems.

2 Q Okay. Now, the -- okay, when you said -- when you and
3 Mrs. Hillis prepared this --

4 A Yes.

5 Q Was that particular -- sentence, "The FCC states
6 Channel 6 is an unauthorized station," was that based on your
7 conversation with Mr. Poole, if you recall?

8 A No, we had a rule book; we had all kinds of information
9 that we had gone through, and --

10 Q Okay, and from Mr. Poole, and other information.

11 A Right.

12 Q Okay, was there anyone else at the FCC who supported
13 that particular statement? I believe you testified you
14 thought Mrs. Raines also told you that?

15 A She may have told me that on the phone, but we read it
16 in that first report that came back.

17 JUDGE STIRMER: Report submitted by KOKS?

18 WITNESS: By KOKS and also prepared by Karen Raines,
19 and it was sent to Congressman Emerson, and he mailed us a
20 copy of the report.

21 BY MR DUNNE:

22 Q Okay. In early 1989, did -- didn't you joint in as a
23 plaintiff in a lawsuit against KOKS, Mrs. Smith?

24 A Yes, I did.

25 Q And that lawsuit was filed, if you recall, when?

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1 A January 1st, '89.

2 Q Okay.

3 JUDGE STIRMER: Filed on New Year's Day?

4 WITNESS: Well, it may have been the second, but I know
5 it was the first week.

6 JUDGE STIRMER: I don't think the courts were open on
7 January --

8 WITNESS: Probably not. It might have been the second
9 or the third but it was that first of January.

10 BY MR DUNNE:

11 Q Okay. And how long did that suit pend in the courts,
12 Mrs. Smith, if you recall?

13 A Seems like we went to court in about March, and then
14 later we filed an appeal and we didn't hear on that until
15 about October, maybe.

16 JUDGE STIRMER: This was '89?

17 WITNESS: Um-hum. Yes, sir.

18 BY MR DUNNE:

19 Q Mrs. Smith, I'd like to direct your attention to
20 page 24 of your testimony, if you would. It's entitled
21 "Reply" at the top.

22 A Okay. Okay.

23 Q Okay, do you have that in front of you ma'am?

24 A Yes, I do.

25 Q Okay, this was -- it's subscribed on the next page as

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